

ORDINANCE 2001- 05

AN ORDINANCE AMENDING ORDINANCE 2000-02, PREVIOUSLY UNTITLED, TO PROVIDE FOR THE TITLE OF "AN ORDINANCE ESTABLISHING A CODE ENFORCEMENT BOARD; CREATING DEFINITIONS, DEFINING CREATION, MEMBERSHIP, POWERS, APPOINTMENT, TERM, REMOVAL, OATH, COMPENSATION, CONFLICTS OF INTEREST OF BOARD; PROVIDING FOR ENFORCEMENT PROCEEDINGS, HEARINGS, LEGAL COUNSEL, APPEALS, FINE SCHEDULES, LIENS, CHARGES AND FEES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALER CLAUSE AND EFFECTIVE DATE"; AND TO AMEND SECTION 13, 'ORDINANCE FINE SCHEDULE' BY CLARIFYING AND/OR INCREASING THE PREVIOUSLY ENUMERATED FINES; PROVIDING FOR AN EFFECTIVE DATE, WITH A REPEALER CLAUSE AND SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

WHEREAS, the City of Russellville has previously enacted ORDINANCE NO. 2000-02, that created the City of Russellville Code Enforcement Board, and it is necessary and proper pursuant to KRS 83A.060(1) for this Ordinance to be prefaced with a title, and

WHEREAS, the Code Enforcement Board is requesting Section 13 to be clarified both in content and in form so that the fine schedules are without ambiguity,

NOW, THEREFORE, be it ordained as follows:

1. Ordinance 2000-02 is hereby amended to provide it with the following title,

"AN ORDINANCE ESTABLISHING A CODE ENFORCEMENT BOARD; CREATING DEFINITIONS, DEFINING CREATION, MEMBERSHIP, POWERS, APPOINTMENT, TERM, REMOVAL, OATH, COMPENSATION, CONFLICTS OF INTEREST OF BOARD; PROVIDING FOR ENFORCEMENT PROCEEDINGS, HEARINGS, LEGAL COUNSEL, APPEALS, FINE SCHEDULES, LIENS, CHARGES AND FEES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALER CLAUSE AND EFFECTIVE DATE."

2. Section 13 is hereby amended to read as follows:

SECTION 13. Ordinance Fine Schedule. Violations of ordinances that are enforced by the City Code Enforcement Board shall be subject to the following schedule of civil fines:

2nd Reading CBB Pines Schedule Ordinance

a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply; however, the Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue:

VIOLATION OF CITY ORDINANCE	* Each day constitutes a separate Violation	1 ST OFFENSE	2 ND OFFENSE	≥ 3 RD OFFENSE
Animals running at large and noise (Ord. 79-12)	*	\$ 25.00	\$ 50.00	\$100.00
Vicious animals (Ord. 88-7)	*	\$100.00	\$175.00	\$250.00
Property maintenance (Ord. 94-9)	*	\$ 25.00	\$ 50.00	\$100.00
Unsafe/Unfit Structure (Ord. 94-9)	*	\$100.00	\$175.00	\$250.00
Garbage, Refuse and Litter (Ord. 85-15)	*	\$ 10.00	\$ 25.00	\$ 50.00
Weeds and Grass (Ord. 85-12, 92.03)	*	\$ 10.00	\$ 25.00	\$ 50.00
Junk, scrap metal and motor vehicles (Ord. 92.03)	*	\$ 25.00	\$ 50.00	\$100.00
Other nuisances listed below: (Ord. 94-9, 92.03)				
• Dangerous trees and Stacks	*	\$ 10.00	\$ 25.00	\$ 50.00
• Open wells	*	\$ 10.00	\$ 25.00	\$ 50.00
• Stagnant water	*	\$ 10.00	\$ 25.00	\$ 50.00
• Obstructing trees and shrubs	*	\$ 10.00	\$ 25.00	\$ 50.00
• Streets, walks, Drainage	*	\$ 10.00	\$ 25.00	\$ 50.00
• Unsanitary keeping of Animals/Odors	*	\$ 10.00	\$ 25.00	\$ 50.00
Sidewalks not in good repair (Ord. 91.07)	*	\$ 25.00	\$ 50.00	\$100.00
Sound amplifiers/noise (Ord. 98.04, 98.05)		\$ 10.00	\$ 25.00	\$ 50.00
Occupational License Fee non-compliance (Ord. 72-1)		\$ 25.00	\$ 50.00	\$100.00
Alcoholic Beverage License Fees on Receipts (Ord. 83-6)		\$ 50.00	\$100.00	\$200.00

2nd Reading CEP Fines Schedule Ordinance

b) If a citation is contested and a hearing before the Code Board is required the following maximum penalties may be imposed at the discretion of the Code Board:

VIOLATION OF CITY ORDINANCE	* Each day constitutes a separate violation	1 ST OFFENSE	2 ND OFFENSE	≥ 3 RD OFFENSE
Animals running at large and noise (Ord. 79-12)	*	\$ 50.00	\$100.00	\$200.00
Vicious animals (Ord. 88-7)	*	\$200.00	\$350.00	\$500.00
Property maintenance (Ord. 94-9)	*	\$ 50.00	\$100.00	\$200.00
Unsafe/Unfit Structure (Ord. 94-9)	*	\$200.00	\$350.00	\$500.00
Garbage, Refuse and Litter (Ord. 85-15)	*	\$ 25.00	\$ 50.00	\$100.00
Weeds and Grass (Ord. 85-12, 92.03)	*	\$ 25.00	\$ 50.00	\$100.00
Junk, scrap metal and motor vehicles (Ord. 92.03)	*	\$ 50.00	\$100.00	\$200.00
Other nuisances listed below: (Ord. 94-9, 92.03)				
• Dangerous trees and Stacks	*	\$ 25.00	\$ 50.00	\$100.00
• Open wells	*	\$ 25.00	\$ 50.00	\$100.00
• Stagnant water	*	\$ 25.00	\$ 50.00	\$100.00
• Obstructing trees and shrubs	*	\$ 25.00	\$ 50.00	\$100.00
• Streets, walks, Drainage	*	\$ 25.00	\$ 50.00	\$100.00
• Unsanitary keeping of Animals/Odors	*	\$ 25.00	\$ 50.00	\$100.00
Sidewalks not in good repair (Ord. 91-07)	*	\$ 50.00	\$100.00	\$200.00
Sound amplifiers/noise (Ord. 98.04, 98.05)		\$ 25.00	\$ 50.00	\$100.00
Occupational License Fee non-compliance (Ord. 72-1)		\$ 50.00	\$ 75.00	\$100.00
Alcoholic Beverage License Fees on Receipts (Ord. 83-6)		\$100.00	\$200.00	\$400.00

3. All ordinances or parts of ordinances in conflict herewith now in effect are hereby repealed.

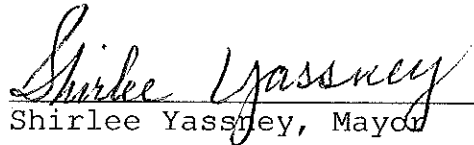
4. In any clause, provision or section of this ordinance shall be ruled void or unenforceable by any court of competent jurisdiction, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

5. This ordinance shall be effective upon its passage and publication as required by law.

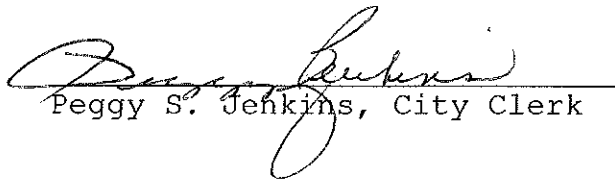
FIRST READING CONDUCTED this 22nd day of May, 2001.

SECOND READING CONDUCTED AND PASSAGE this the 5th day of June, 2001.

AYES:	NAYS:	ABSTAINING:	ABSENT:
Jean Hankins	None	None	Gerald Chapman
Ken Smith			
Howard Wren			
Russell Jones			
Morris L. Kisselbaugh			


Shirlee Yassney, Mayor

ATTEST:


Peggy S. Jenkins, City Clerk